

to three times the amount available under 47 U.S.C. § 227(b)(3)(B), as authorized by 47 U.S.C. § 227(b)(3).

**SECOND CLAIM FOR VIOLATION OF THE TCPA**

36. Plaintiffs repeat and reallege each and every allegation contained in paragraphs 1-31.

37. By the conduct described above, Defendants committed more than five thousand (5,000) violations of 47 U.S.C. § 227(b) against Plaintiffs and the members of Class B, to wit: the fax advertisements Defendants sent and/or caused to be sent to Plaintiffs and the members of Class B were unsolicited and did not contain notices satisfying the requirements of the TCPA and regulations thereunder.

38. Plaintiffs and the members of Class B are entitled to statutory damages under 47 U.S.C. § 227(b) in an amount greater than two million, five hundred thousand dollars (\$2,500,000).

39. If it is found that Defendants willfully and/or knowingly sent and/or caused to be sent unsolicited fax advertisements that did not contain a notice satisfying the requirements of the TCPA and regulations thereunder to Plaintiffs and the members of Class B, Plaintiffs request that the Court increase the damage award against Defendants to three times the amount available under 47 U.S.C. § 227(b)(3)(B), as authorized by 47 U.S.C. § 227(b)(3).

**THIRD CLAIM FOR VIOLATION OF CONN. GEN. STAT. § 52-570(c)**

40. Plaintiffs repeat and reallege each and every allegation contained in paragraphs 1-31.

41. By the conduct described above, Defendants committed numerous violations of Conn. Gen. Stat. § 52-570c against Plaintiffs and the members of Class C, to

wit: the fax advertisements Defendants sent and/or caused to be sent to Plaintiffs and the members of Class C were unsolicited by Plaintiffs and the members of Class C.

42. Pursuant to Conn. Gen. Stat. § 52-570c(d), Plaintiffs and the members of Class C are entitled to statutory damages in an amount to be determined at trial, plus their attorneys' fees and costs.

#### **FOURTH CLAIM FOR INJUNCTIVE RELIEF**

43. Plaintiffs repeat and reallege each and every allegation contained in paragraphs 1-31.

44. Defendants committed thousands of violations of 47 U.S.C. § 227(b) and Conn. Gen. Stat. § 52-570c(a).

45. Under 47 U.S.C. § 227(b)(3)(A) and Conn. Gen. Stat. § 52-570c(d), Plaintiffs and the members of the Classes are entitled to an injunction against Defendants, prohibiting Defendants from committing further violations of those statutes and regulations thereunder.

#### **REQUEST FOR RELIEF**

WHEREFORE, Plaintiffs, on behalf of themselves and the members of the Classes, request:

A. An order certifying the Classes, appointing Plaintiffs as the representatives of the Classes, and appointing the lawyers and law firms representing Plaintiffs as counsel for the Classes;

B. an award to Plaintiffs and the members of Classes A and B of statutory damages in excess of \$2,500,000 for each of Classes A and B, pursuant to 47 U.S.C. § 227(b), for Defendants' violations of that statute and the regulations promulgated thereunder;

C. if it is found that Defendants willfully and/or knowingly sent and/or caused to be sent fax advertisements to classes A and/or B, an award of three times the amount of damages described in the previous paragraph, as authorized by 47 U.S.C. § 227(b)(3);

D. an award to Plaintiffs and the members of Class C of statutory damages of \$500 per violation of Conn. Gen. Stat. 52-570c(a) in an aggregate amount to be determined at trial;

E. an injunction against Defendants prohibiting them and all others acting on behalf of or in concert with them from committing further violations of statutes and regulations described above;

F. an award to Plaintiffs and the members of Class C of attorneys' fees and costs in this action; and

G. such further relief as the Court deems just and proper.

**JURY DEMAND**

Plaintiffs demand a trial by jury.

**ROGER H. KAYE and ROGER H.  
KAYE, MD PC, ON BEHALF OF  
THEMSELVES AND ALL OTHERS  
SIMILARLY SITUATED**

By: /s/Aytan Y. Bellin  
Aytan Y. Bellin ct28454  
Bellin & Associates LLC  
85 Miles Avenue  
White Plains, NY 10606  
(914) 358-5345  
Fax: (212) 571-0284  
aytan.bellin@bellinlaw.com

Roger Furman, Esq.  
(motion for admission pro hac vice to this Court to be filed shortly)

7485 Henefer Avenue  
Los Angeles, CA 90045  
(310) 568-0640  
Fax: (310) 694-9083  
roger.furman@yahoo.com

Received & Inspected

NOV 21 2014

FCC Mail Room

# EXHIBIT A

06/25/11 10:57AM EDT Amicus Mediation & Arbitration Group -> Roger Kaye  
2038663660 Pg 2/2



## Upcoming Amicus Mediation Days



### Liberty Mutual

July 20, 2011 - Mediator: William Beckert, Esq.  
August 4, 2011 - Mediator: Gerald Cooper, Esq.



### Progressive Insurance

August 30<sup>th</sup> & September 8<sup>th</sup>, 2011  
Mediators: Rick Mahoney, Esq. Bill Beckert, Esq. & Frank Forgione, Esq.

If you have a case that you wish to schedule, please contact *Hillary Earle* at 888-7-AMICUS or via email at [hillary.earle@amicusadr.com](mailto:hillary.earle@amicusadr.com). Or provide your case information below and return via fax to 631-619-9501. An Amicus consultant will follow up with you promptly.

|                                   |                    |             |
|-----------------------------------|--------------------|-------------|
| Your Name:                        | Your Firm/Company: | Your Phone: |
| Case Caption:                     |                    |             |
| Name of opposing counsel/adjuster | Their Phone        |             |
| Claim No.                         |                    |             |
| Additional Comments:              |                    |             |
|                                   |                    |             |

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Toll Free 1.888.7.AMICUS • [www.amicusadr.com](http://www.amicusadr.com)

06/06/11 08:32PM EDT Amicus Mediation & Arbitration Group -> Roger Kaye  
2038663660 Pg 1/2

## Amicus Mediation & Arbitration Group

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Phone: 631-881-0882  
Fax: 631-619-9501

# Fax

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**To: Roger Kaye**

**From: Hillary Earle**

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**Fax: 2038663660**

**Pages: 2**

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**Re: Liberty Mutual Mediations**

**Date: June 06, 2011**

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Dear Roger:

I thought you may be interested in the details of our next mediation days with Liberty Mutual.

Please let me know if you have any cases pending with them that you would like to mediate.

Thank you.

445 Broad Hollow Rd. Suite 25, Melville, NY 11747

06/06/11 08:32PM EDT Amicus Mediation & Arbitration Group -> Roger Kaye  
2038663660 Pg 2/2



## Liberty Mutual Mediation Day

*Coordinated by Amicus Mediation & Arbitration Group*

**June 15, 2011**

Mediator: Gerald Cooper, Esq.

**July 20, 2011**

Mediator: William Beckert, Esq.

Conferences to be scheduled at:

Liberty Mutual  
101 Barnes Rd.  
Wallingford, CT

**SPECIAL  
OFFER  
\$350.00**

**Mediation Fee**  
(This is a per party fee  
and covers 1 hour of the  
mediator's time)

Did you know?  
78% of all cases mediated,  
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months in litigation time?

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| Case Caption:                     |                    |                           |
| Name of opposing counsel/adjuster | Their Phone        | Claim No. (if applicable) |
| Additional Comments:              |                    |                           |
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01/22/11 11:44AM EST Amicus Mediation & Arbitration Group -> Roger Kaye  
2038663660 Pg 1/2

## Amicus Mediation & Arbitration Group

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Phone: 631-861-0882  
Fax: 631-619-9501

# Fax

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**To: Roger Kaye**

**From: Hillary Earle**

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**Fax: 2038663660**

**Pages: 2**

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**Re: Liberty Mutual Day**

**Date: January 22, 2011**

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Dear Roger

I wanted to forward you the details of our upcoming mediation day with Liberty Mutual.

Please let me know if you have any matters pending against them, that you would like to resolve via mediation.

Thank you.

01/22/11 11:44AM EST Amicus Mediation & Arbitration Group -> Roger Kaye  
2038663860 Pg 2/2



## Liberty Mutual Mediation Day

*Coordinated by Amicus Mediation & Arbitration Group*

**February 17, 2011**

Mediator: Frank Forgione, Esq.

Conferences to be scheduled at:

Liberty Mutual  
101 Barnes Rd.  
Wallingford, CT

**SPECIAL  
OFFER  
\$350.00**

**Mediation Fee**  
(This is a per party fee  
and covers 1 hour of the  
mediator's time)

Did you know?  
78% of all cases mediated,  
settle? Saving on average,  
89 staff hours per file,  
> \$11,000 in expenses and 6  
months in litigation time?

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|                                   |                    |                           |
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| Case Caption:                     |                    |                           |
| Name of opposing counsel/adjuster | Their Phone        | Claim No. (if applicable) |
| Additional Comments:              |                    |                           |
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01/14/11 12:30PM EST Amicus Mediation & Arbitration Group -> Roger Kaye  
2038663660 Pg 1/2

## Amicus Mediation & Arbitration Group

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Phone: 631-881-0882  
Fax: 631-619-9501

# Fax

**To: Roger Kaye**

**From: Hillary Earle**

**Fax: 2038663660**

**Pages: 2**

**Re: Liberty Mutual Day**

**Date: January 14, 2011**

Dear Roger:

I wanted to forward you some information on our upcoming mediation day with Liberty Mutual.

If you have any matters pending with them that you would like to settle via mediation, please let me know.

Thank you.

445 Broad Hollow Rd. Suite 25, Melville, NY 11747

01/14/11 12:30PM EST Amicus Mediation & Arbitration Group -> Roger Kaye  
2038663660 Pg 2/2



## Liberty Mutual Mediation Day

*Coordinated by Amicus Mediation & Arbitration Group*

**February 17, 2011**

Mediator: Frank Forgione, Esq.

Conferences to be scheduled at:

Liberty Mutual  
101 Barnes Rd.  
Wallingford, CT

**SPECIAL  
OFFER  
\$350.00**

**Mediation Fee**  
(This is a per party fee  
and covers 1 hour of the  
mediator's time)

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| Case Caption:                     |                    |                           |
| Name of opposing counsel/adjuster | Their Phone        | Claim No. (if applicable) |
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10/17/10 11:22AM EDT Amicus Mediation & Arbitration Group -> Roger Kaye 2038663660 Pg 1/1



# Progressive Insurance Mediation Days

*Coordinated by Amicus Mediation & Arbitration Group*

**November 17, 2010 – Glastonbury, CT**

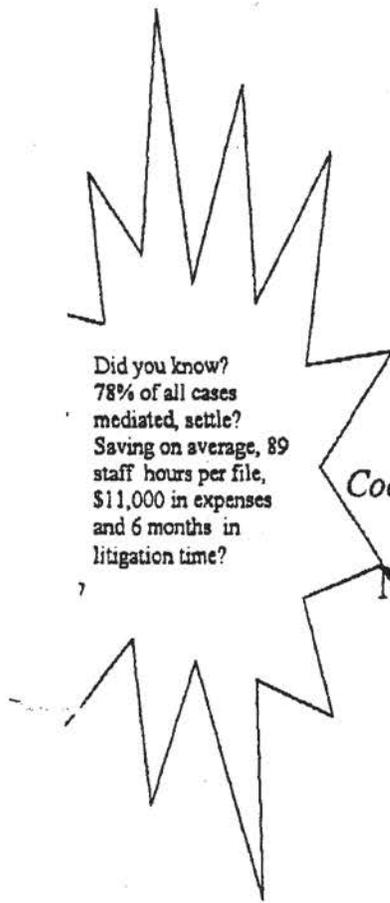
Mediator:  
Hon. Joseph Mengacci

**November 18, 2010 – Milford, CT**

Mediator:  
Hon. Frank Forgione



**SPECIAL OFFER**  
**\$350.00**  
**Mediation Fee**  
(This is a per party fee and covers 1 hour of the mediator's time)



Did you know?  
78% of all cases mediated, settle?  
Saving on average, 89 staff hours per file, \$11,000 in expenses and 6 months in litigation time?

If you have a case that you wish to schedule, please contact *Hillary Earle* at 888-7-AMICUS or via email at [hillary.earle@amicusadr.com](mailto:hillary.earle@amicusadr.com). Or provide your case information below and return via fax to 631-619-9501. An Amicus consultant will follow up with you promptly.

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| Case Caption:                     |                    |             |
| Name of opposing counsel/adjuster | Their Phone        |             |
| Claim No.                         |                    |             |
| Additional Comments:              |                    |             |

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2038663660 Pg 2/3



**Mediation Fact:**  
  
Did you know?  
  
78% of all cases mediated, settle? Saving on average, 89 staff hours per file, \$11,000 in expenses and 6 months in litigation time.

# PROGRESSIVE

## Mediation Days

Coordinated by Amicus Mediation & Arbitration Group

**March 2, 2011 – Milford Office**

**March 3, 2011 – Glastonbury Office**

Mediators:

Frank Forgione & Rick Mahoney

**SPECIAL OFFER**  
  
**\$350.00**  
**Mediation Fee**  
(This is a per party fee and covers 1 hour of the mediator's time)

If you have a case that you wish to schedule, please contact *Hillary Earle* at 888-7-AMICUS or via email at [hillary.earle@amicusadr.com](mailto:hillary.earle@amicusadr.com). Or provide your case information below and return via fax to 631-619-9501. An Amicus consultant will follow up with you promptly.

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2038663660 Pg 3/3



## Nationwide Insurance Mediation Day

*Coordinated by Amicus Mediation & Arbitration Group*

### March 29, 2011

Mediator - Gerald Cooper, Esq. & William Beckert, Esq.

Conferences to be held at  
Bridgeport Holiday Inn  
1070 Main Street - Bridgeport, CT 06604



**SPECIAL  
OFFER**  
**\$350.00**  
**Mediation  
Fee**

(This is a per party  
fee and covers 1 hour  
of the mediator's time)

If you have a case that you wish to schedule, please contact *Hillary Earle* at 888-7-AMICUS or via email at [hillary.earle@amicusadr.com](mailto:hillary.earle@amicusadr.com). Or provide your case information below and return via fax to 631-619-9501. An Amicus consultant will follow up with you promptly.

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| Your Name:                        | Your Firm/Company: | Your Phone: |
| Case Caption:                     |                    |             |
| Name of opposing counsel/adjuster | Their Phone        |             |
| Claim No.                         |                    |             |
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**CIVIL COVER SHEET**

JS 44 (Rev. 12/12)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

|  |   |
|--|---|
| <p><b>I. (a) PLAINTIFFS</b><br/>Roger H. Kaye and Roger H. Kaye, MD PC</p> <p>(b) County of Residence of First Listed Plaintiff <u>Fairfield</u><br/><i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys (Firm Name, Address, and Telephone Number)<br/>Aytan Y. Bellin, Esq, Bellin &amp; Associates LLC, 85 Miles Avenue White Plains, NY 10606</p> | <p><b>DEFENDANTS</b><br/>Amicus Mediation &amp; Arbitration Group, Inc. &amp; Hilary Earle</p> <p>County of Residence of First Listed Defendant <u>Suffolk</u><br/><i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys (If Known)</p> |
|--|---|

| <p><b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p> | <p><b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th></th> <th>PTF</th> <th>DEF</th> <th></th> <th>PTF</th> <th>DEF</th> </tr> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table> |                            | PTF   | DEF                        |                            | PTF | DEF | Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 | Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 | Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |
|--|--|----------------------------|---|----------------------------|----------------------------|-----|-----|-----------------------|----------------------------|----------------------------|---|----------------------------|----------------------------|--------------------------|----------------------------|----------------------------|---|----------------------------|----------------------------|---|----------------------------|----------------------------|----------------|----------------------------|----------------------------|
|  | PTF  | DEF                        |   | PTF                        | DEF                        |     |     |                       |                            |                            |   |                            |                            |                          |                            |                            |   |                            |                            |   |                            |                            |                |                            |                            |
| Citizen of This State  | <input type="checkbox"/> 1   | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |     |     |                       |                            |                            |   |                            |                            |                          |                            |                            |   |                            |                            |   |                            |                            |                |                            |                            |
| Citizen of Another State   | <input type="checkbox"/> 2   | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |     |     |                       |                            |                            |   |                            |                            |                          |                            |                            |   |                            |                            |   |                            |                            |                |                            |                            |
| Citizen or Subject of a Foreign Country  | <input type="checkbox"/> 3   | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |     |     |                       |                            |                            |   |                            |                            |                          |                            |                            |   |                            |                            |   |                            |                            |                |                            |                            |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

| CONTRACT  | TORTS  | PROPERTY   | BANKRUPTCY   | OTHER STATUTES   |   |
|---|--|--|--|--|---|
| <input type="checkbox"/> 110 Insurance<br><input type="checkbox"/> 120 Marine<br><input type="checkbox"/> 130 Miller Act<br><input type="checkbox"/> 140 Negotiable Instrument<br><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment<br><input type="checkbox"/> 151 Medicare Act<br><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)<br><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits<br><input type="checkbox"/> 160 Stockholders' Suits<br><input type="checkbox"/> 190 Other Contract<br><input type="checkbox"/> 195 Contract Product Liability<br><input type="checkbox"/> 196 Franchise | <p><b>PERSONAL INJURY</b></p> <input type="checkbox"/> 310 Airplane<br><input type="checkbox"/> 315 Airplane Product Liability<br><input type="checkbox"/> 320 Assault, Libel & Slander<br><input type="checkbox"/> 330 Federal Employers' Liability<br><input type="checkbox"/> 340 Marine<br><input type="checkbox"/> 345 Marine Product Liability<br><input type="checkbox"/> 350 Motor Vehicle<br><input type="checkbox"/> 355 Motor Vehicle Product Liability<br><input type="checkbox"/> 360 Other Personal Injury<br><input type="checkbox"/> 362 Personal Injury - Medical Malpractice | <p><b>PERSONAL INJURY</b></p> <input type="checkbox"/> 365 Personal Injury - Product Liability<br><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability<br><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability<br><p><b>PERSONAL PROPERTY</b></p> <input type="checkbox"/> 370 Other Fraud<br><input type="checkbox"/> 371 Truth in Lending<br><input type="checkbox"/> 380 Other Personal Property Damage<br><input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881<br><input type="checkbox"/> 690 Other<br><input type="checkbox"/> 710 Fair Labor Standards Act<br><input type="checkbox"/> 720 Labor/Management Relations<br><input type="checkbox"/> 740 Railway Labor Act<br><input type="checkbox"/> 751 Family and Medical Leave Act<br><input type="checkbox"/> 790 Other Labor Litigation<br><input type="checkbox"/> 791 Employee Retirement Income Security Act | <input type="checkbox"/> 422 Appeal 28 USC 158<br><input type="checkbox"/> 423 Withdrawal 28 USC 157<br><p><b>PROFESSOR RIGHTS</b></p> <input type="checkbox"/> 820 Copyrights<br><input type="checkbox"/> 830 Patent<br><input type="checkbox"/> 840 Trademark<br><p><b>INTELLECTUAL PROPERTY</b></p> <input type="checkbox"/> 861 HIA (1395ff)<br><input type="checkbox"/> 862 Black Lung (923)<br><input type="checkbox"/> 863 DIWC/DIWW (405(g))<br><input type="checkbox"/> 864 SSID Title XVI<br><input type="checkbox"/> 865 RSI (405(g))<br><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)<br><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 375 False Claims Act<br><input type="checkbox"/> 400 State Reapportionment<br><input type="checkbox"/> 410 Antitrust<br><input type="checkbox"/> 430 Banks and Banking<br><input type="checkbox"/> 450 Commerce<br><input type="checkbox"/> 460 Deportation<br><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations<br><input type="checkbox"/> 480 Consumer Credit<br><input type="checkbox"/> 490 Cable/Sat TV<br><input type="checkbox"/> 850 Securities/Commodities/Exchange<br><input checked="" type="checkbox"/> 890 Other Statutory Actions<br><input type="checkbox"/> 891 Agricultural Acts<br><input type="checkbox"/> 893 Environmental Matters<br><input type="checkbox"/> 895 Freedom of Information Act<br><input type="checkbox"/> 896 Arbitration<br><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision<br><input type="checkbox"/> 950 Constitutionality of State Statutes |

**V. ORIGIN** (Place an "X" in One Box Only)

1 Original Proceeding     2 Removed from State Court     3 Remanded from Appellate Court     4 Reinstated or Reopened     5 Transferred from Another District (specify)     6 Multidistrict Litigation

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
47 U.S.C. 227

Brief description of cause:  
 Defendants sent or caused to be sent unsolicited and solicited fax advertisements to Plaintiffs and the classes.

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.    DEMAND \$ 15,000,000.00    CHECK YES only if demanded in complaint. JURY DEMAND:  Yes     No

**VIII. RELATED CASE(S) IF ANY** (See instructions):

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE: 03/14/2013

SIGNATURE OF ATTORNEY OF RECORD: Aytan Y. Bellin

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_